

## **AGENDA**

### **COMMITTEE ON PUBLIC SAFETY, HEALTH AND TRAFFIC**

**October 31, 2016**  
**Aldermen Katsiantonis, O'Neil,**  
**Long, Barry, Gamache**

**4:00 p.m.**  
**Aldermanic Chambers**  
**City Hall (3<sup>rd</sup> Floor)**

1. Chairman Katsiantonis calls the meeting to order.
2. The Clerk calls the roll.
3. The Traffic Division has submitted an agenda which needs to be addressed:

#### **NO PARKING ANYTIME**

On Beech St, west side, from Harrison St to a point 68 feet north

*Alderman Ludwig*

On Chestnut St, west side, from Webster St to Appleton St

*Alderman Cavanaugh*

On Turner St, east side, from the north side of School St to a point 21 feet south

*Alderman Barry*

#### **THREE HOUR PARKING, 8 AM-8 PM**

On Turner St, east side, from a point 54 feet south of the north side of School St to a point 15 feet north of Bath St, back-in/head-out angled parking

*Alderman Barry*

#### **RESCIND THREE HOUR PARKING, 8 AM-8 PM**

On Turner St, east side, from School St to a point 30 feet north of Bath St, back-in/head-out angled parking

*Alderman Barry*

#### **HANDICAP PARKING ONLY**

On Turner St, east side, from a point 21 feet south of the north side of School St to a point 11 feet south, back-in/head-out angled parking

*Alderman Barry*

**COMMERCIAL MOTOR VEHICLE TRAFFIC**  
**PROHIBITED**

On Beech Hill Ave from South Beech St to Bradley St  
*Alderman Shaw*

**CROSSWALK**

On Baker St, east of Elm St  
On Trahan St, south of Baker St  
*Alderman Shaw*

**Gentlemen, what is your pleasure?**

4. Communication from Emily Christian on behalf of the National Multiple Sclerosis Society requesting the use of Arms Park on Sunday, April 9, 2017 from 10:00 A.M. until 2:00 P.M. for their annual Walk MS Manchester event.

**Gentlemen, what is your pleasure?**

5. Request from Alderman Nick Pappas on behalf of Great North Aleworks to add signs on both East Industrial Drive and Candia Road to help people locate their business.

**Gentlemen, what is your pleasure?**

6. Request from Scott Aubertin of First Signs, Inc. on behalf of Catholic Medical Center to install signage on the skybridge that is over the public way.

**Gentlemen, what is your pleasure?**

**TABLED ITEMS**

***(A motion is in order to remove any item from the table.)***

7. Proposal for an anti-graffiti ordinance submitted by Greg Salts.  
*(Note: Tabled 10/20/15 for input from the Solicitor; Solicitor reported that the proposal is not allowed by state statute.)*

8. Discussion regarding safety concerns at the Central Fire Station.  
*(Note: Tabled on 9/19/2016 pending fencing quotes from Fire Department.)*

9. Final report and recommendations from the Housing Study Commission.  
*(Note: Tabled recommendations #1 and #9 on 9/19/2016.)*
10. If there is no further business, a motion is in order to adjourn.

City Clerk's Office  
City Clerk's Office  
OCT 21 2016  
RECEIVED

October 18, 2016

Mr. Matthew Normand, City Clerk  
City of Manchester  
One City Hall Plaza  
Manchester, NH 03101

Dear Mr. Normand,

On behalf of the National Multiple Sclerosis Society, Greater New England Chapter, I would like to extend our deep gratitude for the continuous support Manchester has shown throughout the years for the annual Walk MS.

As the weather turns colder, I have begun planning for the 2017 Walk MS Manchester. This year's date is set for Sunday, April 9<sup>th</sup>, from 10:00am to 2:00pm. I would like to request permission to host the Walk on this day. 500 participants are expected to take part in this annual event. The Walk is 5 miles, with the new Start and Finish location being held at Arms Park. We will be using the same route as last year, which I have enclosed. Also, a certificate of liability insurance will be provided upon approval of this request.

The money raised will be used to advance our support of national research and to support local programming for the nearly 21,000 people within Maine, Rhode Island, Massachusetts, New Hampshire and Vermont who are affected by multiple sclerosis. The Greater New England Chapter prides itself on our many comprehensive local programs that improve the quality of life for people with MS and their families. These programs empower individuals with MS and provide them with the resources to maintain independence.

I thank you in advance for your support and please feel free to contact me at 781.693.5154 with any questions or concerns.

Sincerely,



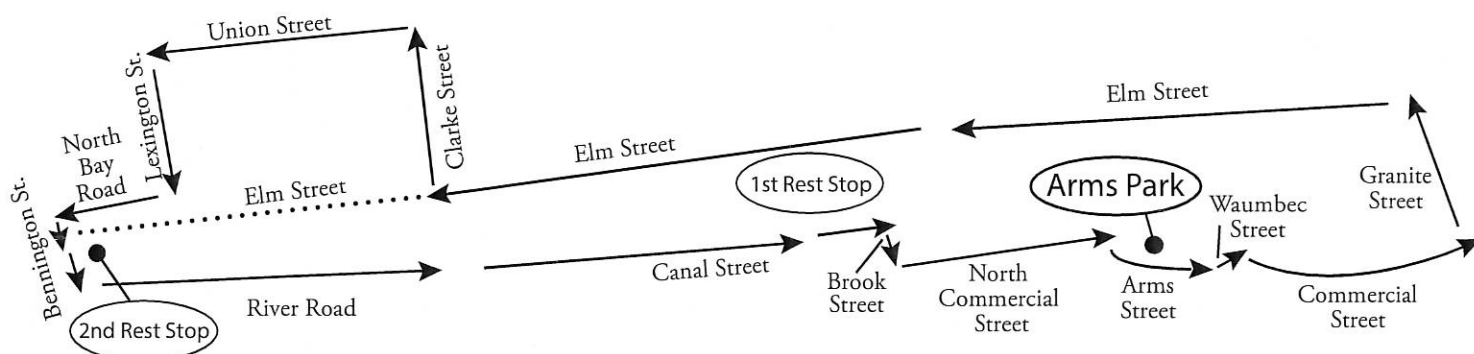
Emily Christian  
Development Manager  
[Emily.christian@nmss.org](mailto:Emily.christian@nmss.org)

# Manchester



Walk

presented locally by

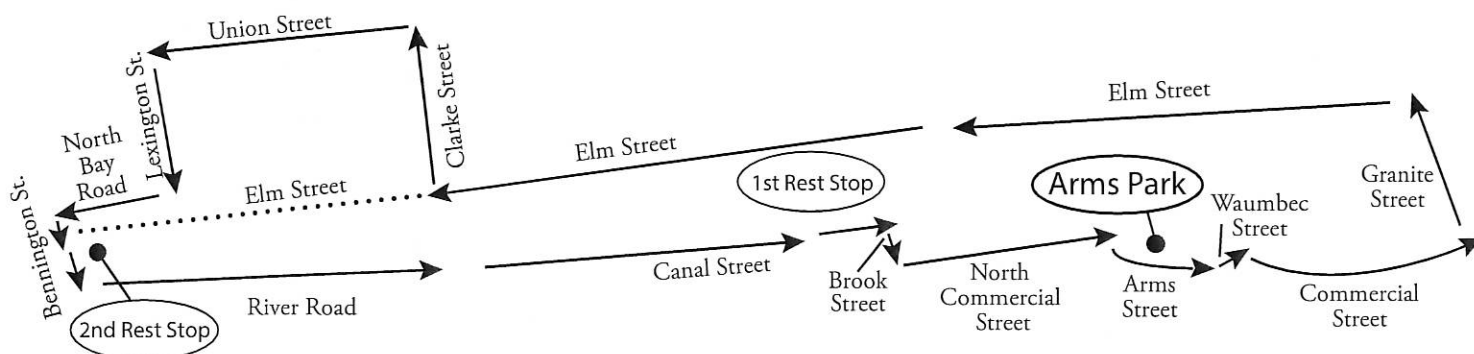


# Manchester



Walk

presented locally by





**CITY OF MANCHESTER**

*Nick Pappas*  
*Alderman*

October 17, 2016

Committee on Public Safety, Health and Traffic  
c/o Matthew Normand, City Clerk  
One City Hall Plaza  
Manchester, NH 03101

Dear Members of Committee on Public Safety, Health and Traffic,

I am writing to request your support for a new small business by the name of Great North Aleworks located at 1050 Holt Ave, Unit 14 in Ward 6 off East Industrial Drive. The company is fairly new to the city and its main business is micro brewing of beer but they have expanded to into a tasting area which also acts as an event space. Their location is not easily visible and their expansion into beer tasting requires more visibility. Great North Aleworks is asking the city to allow them to add signs on both East Industrial and Candia Road where the Union Leader already has existing signs up. These sign would not be any larger than those signs already there. Downtown the City is doing something similar to this already on a larger scale and I hope we can approve try to expand this to the commercial area that is East Industrial Road.

Great North Ale Works has provided a sample of what the signs will look like and are more than willing to cover the cost of the signs and instillation. I have reached out to both DPW and Mr. LeFreniere to ensure they I did my due diligence and was directed to bring this forward to the Traffic Committee.

Please review the documents and their request which are attached to this request. Members of Great North Aleworks will be present at your committee meeting and would like to speak should any committee member have questions.

I would greatly appreciate your support on allowing this new great small business the ability to grown in Manchester. I would also suggest that anyone willing take a tour of their amazing brewery.

Nick Pappas, Alderman Ward 6



**GREAT  
NORTH**  
*Aleworks*

**BREWERY *and*  
TASTING ROOM**





**GREAT  
NORTH**  
*Aleworks*

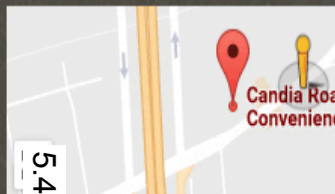
**BREWERY *and*  
TASTING ROOM**





901 Candia Rd  
Manchester, New Hampshire

Street View - Aug 2011



Google



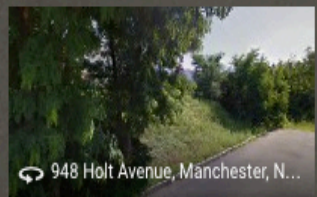
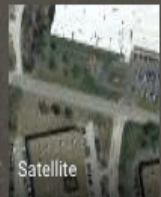
874 Holt Ave  
Manchester, New Hampshire

Street View - Jul 2011



Hide imagery

5.9 Expand



Add a photo Google

October 14, 2016

Board of Mayor & Alderman  
c/o Office of the City Clerk  
One City Hall Plaza  
Manchester, NH 03101

To whom it may concern,

I hereby request permission to install signage for Catholic Medical Center on McGregor Street. The signs will be installed on the skybridge that is over a public right of way. The necessary permits have been secured from Planning & Building.

The signs will be individual internally-illuminated channel letters, each 24"h. The letters will be fabricated of formed aluminum with a factory applied, baked enamel finish. The lenses will be acrylic and will be retained using trimless technology.

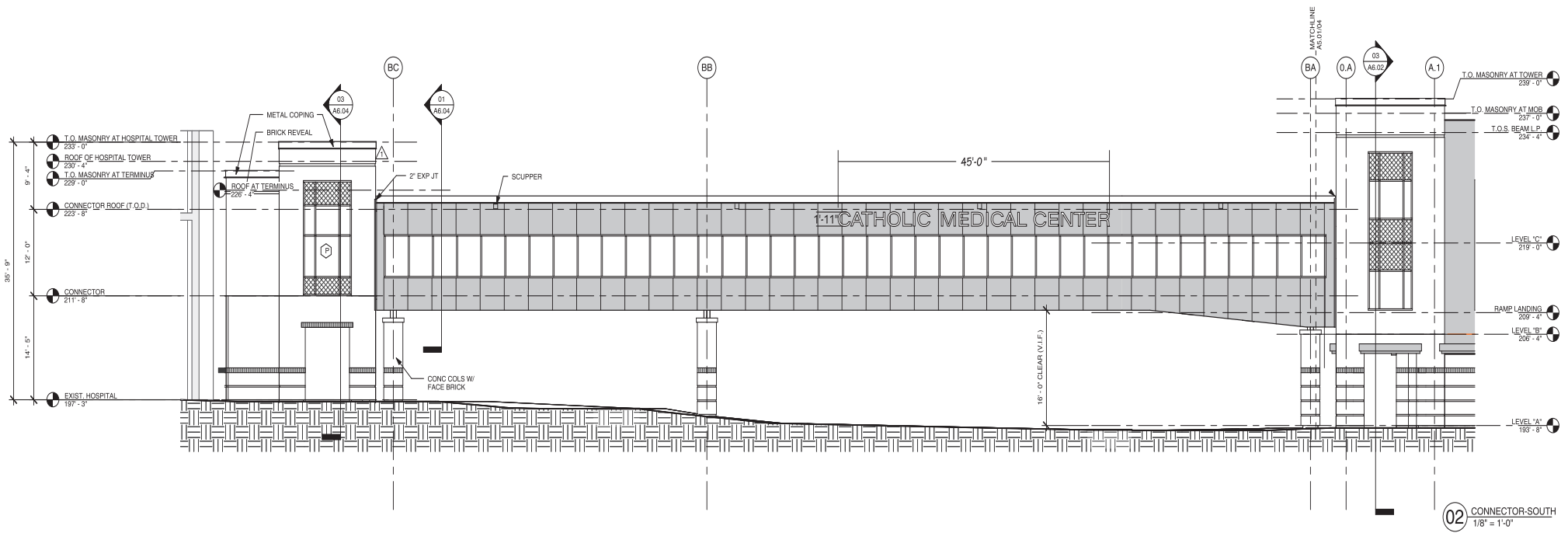
The letters spell out CATHOLIC MEDICAL CENTER and each letter will be blind-stud mounted to (both sides of) the fascia of the skybridge. The faces will have provisions for backlighting, as well as halo illumination. Low voltage, high-output LEDs will be used for illumination. I have attached a conceptual rendering.

This signage will help visitors realize they are on the CMC campus and will tie-in the opposing sides of the street, further connecting the campus.

Respectfully,



Scott J. Aubertin  
President / Owner



11/2015 | 1/16" = 1'-0" | 107 Hollis Street  
 Manchester, NH 03101 | 627-0003 | This drawing is the property of  
 Innovative Design & Flawless Execution of Dimensional Signage | Complete Storefront Remodeling including Signs • Awnings • Lighting







09/2016

Custom Scale

107 Hollis Street  
Manchester, NH 03101

627-0003

This drawing is the property of

**FIRST**Sign  
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Complete Storefront Remodeling including Signs • Awnings • Lighting





09/2016 Custom Scale 107 Hollis Street  
Manchester, NH 03101

627-0003

This drawing is the property of

**FIRST**Sign  
INC.

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Complete Storefront Remodeling including Signs • Awnings • Lighting

# ANTI GRAFFITI ORDINANCE

In Board of Mayor and Aldermen

Date: 10/06/15

On motion of Ald. Levasseur

Seconded by Ald. Katsiantonis

Noted to refer to the Committee on  
Public Safety, Health and Traffic.

*Matthew Normand*  
City Clerk

# SALEM OREGON

**Cadet Program**

**D.A.R.E. Program**

**Gang Unit**

**Graffiti**

**Why Should I Report Graffiti?**

**Anti Graffiti Ordinance**

**Anti Graffiti Resources**

**How To Remove Graffiti**

**FAQs About Graffiti**

**Graffiti Busters Program**

**Top Ten Most Wanted**

**Volunteer Program**

**Anti Graffiti Ordinance**

[City of Salem Home](#) | [Departments](#) | [Police](#) | [Programs](#) | [Graffiti](#) | [Anti Graffiti Ordinance](#)

**SALEM REVISED CODE**

**95.600 DEFINITIONS.**

As used in SRC 95.600 to 95.660

(a) "Graffiti" means any inscription, word, figure, design, painting, writing, drawing or carving that is marked, etched, scratched, drawn, painted, or otherwise applied to property without the prior authorization of the owner of the property regardless of the graffiti content, or nature of the material used in the commission of the act, or the material of the property.

(b) "Graffiti Nuisance Property" means property to which graffiti has been applied, if the graffiti is visible from any public right of way, from any other public or private property or from any premises open to the public, and if the graffiti has not been abated within the time provided in SRC 95.650.

(c) "Owner" has the meaning set forth in SRC 98.140(d) and, in addition, includes the state and political subdivisions of the state, school districts and special districts.

(d) "Permit" has the meaning set forth in SRC 98.140(e).

(e) "Property" means any real or personal property and that which is affixed, incident or appurtenant to real property, including but not limited to any premise, house, building, fence, structure or any separate part thereof, whether permanent or not.

(f) "Structure" has the meaning set forth in SRC 98.140(h). (Ord No. 37-94; Ord No. 96-95)

**95.610 PROHIBITED GRAFFITI.**

(a) It shall be unlawful for any person to apply graffiti.

✓ (b) It shall be unlawful for any person to solicit or command another person to apply graffiti.

(c) It shall be unlawful for any person to aid or abet or agree to aid or abet another person to plan to apply or apply graffiti. (Ord No. 37-94; Ord No. 96-95)

**95.620 PENALTY.**

Violation of SRC 95.610 is an infraction. In addition to any other penalty provided by law, a person adjudged responsible for violation of SRC 95.610 or any other offense within the jurisdiction of the court may be ordered by the court to perform community service including graffiti removal at any locations within the jurisdiction of the court and to pay restitution. (Ord No. 37-94; Ord No. 96-95)

**95.630 GRAFFITI REMOVAL.**

(a) Graffiti removal means:

(1) Removal or attempted removal of graffiti from or painting or repair of public or private property with the written consent, on a form approved by the Salem City Attorney, of the owner of such property or of a person authorized by the owner of such property to give written consent, or

(2) Abatement under SRC 95.660.

(b) Graffiti removal shall be supervised by the Chief of Police or his or her designee. (Ord No. 37-94; Ord No. 96-95)

**95.635 REWARD.**

The Chief of Police may offer a reward of One Hundred Dollars (\$100.00) or such other sum as the council may direct for information leading to the arrest and conviction of an adult or a finding that a juvenile is within the jurisdiction of the court for violating SRC 95.610. (Ord No. 37-94)

**95.640. GRAFFITI NUISANCE PROPERTY.**

✓ (a) It is hereby found and declared that graffiti creates a visual blight and property damage. When graffiti is allowed to remain on property and not is promptly removed, it invites additional graffiti and criminal activity and constitutes a nuisance.

✓ (b) Any property within the city which becomes graffiti nuisance property is in violation of this chapter and subject to its remedies.

(c) Any owner of property who permits said property to be a graffiti nuisance property shall be in violation of this chapter and subject to its remedies. (Ord No. 97-95)

**95.645. NOTICE PROCEDURE.**

(a) When the Chief of Police believes in good faith that property within the city is a potential public nuisance property, the Chief of Police shall notify the owner and the owner's registered agent under SRC 98.180, if known, in writing that the property is potential graffiti nuisance property. The notice shall contain the following information:



- (1) The street address or description sufficient for identification of the property.
  - (2) That the Chief of Police has found the property to be potential graffiti nuisance property with a concise description of the conditions leading to his/her findings.
  - (3) A direction to abate the graffiti, or show good cause to the Chief of Police why the owner cannot abate the graffiti, within five city business days from the date of mailing the notice.
  - (4) That if the graffiti is not abated and good cause for failure to abate is not shown, the council may order abatement, with appropriate conditions. The council may also employ any other remedy deemed by it to be appropriate to abate the nuisance, including but not limited to authorizing a civil complaint in a court of competent jurisdiction.
  - (5) That the rental dwelling license, if any, of the property is subject to suspension or revocation.
  - (6) That permitting graffiti nuisance property is an infraction.
  - (7) That the above remedies are in addition to those otherwise provided by law.
- (b) Service of the notice is completed upon mailing the notice first class, postage prepaid, addressed to:
- (1) The owner's registered agent under SRC 98.180, if any,  
or
  - (2) The owner at the address of the property believed to be a potential graffiti nuisance property, and to such other address as shown on the tax rolls of the county in which the property is located or such other place which is believed to give the owner actual notice of the determination by the Chief of Police.
  - (c) A copy of the notice shall be served on occupants of the property, if different from the owner. Service shall be completed upon mailing the notice first class, postage prepaid, addressed to "occupant" of each unit of the property believed to be a potential graffiti nuisance property.
  - (d) The failure of any person or owner to receive actual notice of the determination by the Chief of Police shall not invalidate or otherwise affect the proceedings under this chapter. (Ord No. 96-95; Ord No. 51-96)

#### 95.650. ABATEMENT PROCEDURES.

- (a) Within five city business days of the mailing of the notice the owner shall abate the graffiti or show good cause why the owner cannot abate the graffiti within that time.
- (b) Upon good cause shown, the Chief of Police may grant an extension of up to ten additional city business days.
- (c) If the owner does not comply with subsection (a) or (b) of this section, the Chief of Police may refer the matter to the council for hearing as a part of its regular agenda at the next succeeding meeting. The City Recorder shall give notice of the hearing to the owner and occupants, if different from the owner. At the time set for hearing the owner and occupants may appear and be heard by the council. The council shall determine whether the property is graffiti nuisance property and whether the owner has complied with subsection (a) and (b) of this section. The city has the burden of showing by a preponderance of the evidence that the property is graffiti nuisance property. The owner has the burden of showing by a preponderance of the evidence that there is good cause for failure to abate the nuisance within five city business days of the mailing of the notice. (Ord No. 96-95; Ord No. 51-96)

#### 95.655. REMEDIES BY COUNCIL.

- (a) In the event the council determines that property is graffiti nuisance property, the council may order that the nuisance be abated. The order may include conditions under which abatement is to occur. The council may also employ any other remedy deemed by it to be appropriate to abate the nuisance, including but not limited to authorizing a civil complaint in a court of competent jurisdiction.
- (b) The remedies in this section are in addition to those otherwise provided by law. (Ord No. 96-95; Ord No. 51-96)

#### 95.660. ABATEMENT BY CITY.

- If the owner fails to abate the nuisance as ordered by the council, the city may cause the nuisance to be abated as provided in SRC 45.094 to 45.096, except that the Chief of Police shall be responsible for causing abatement instead of the health officer. (Ord No. 96-95)

#### 95.990. VIOLATIONS.

- (a) Violation of SRC 95.010, 95.190, 95.200, 95.210, 95.220, 95.300, 95.340, 95.440, 95.510, 95.520, or 95.530, 95.610 or 95.640 is an infraction.
- (b) Violation of SRC 95.580 is a misdemeanor punishable by a fine of not more than \$250, imprisonment for a period not to exceed 30 days, or by both such fine and imprisonment.
- (c) Violation of any other provision of this chapter is a misdemeanor. (Ord No. 193-79; Ord No. 96-95; Ord No. 23-97)

#### 31.999. SUSPENSION OR REVOCATION OF LICENSE.

- (a) In addition to any other ground for suspension or revocation of a license required by SRC 31.993, the following shall be grounds for suspension or revocation of such license as provided in SRC 30.120 and 30.130.
- (1) Refusal of the licensee, or of any agent or employee of the licensee, to permit any inspection of the premises mentioned in SRC 31.993 by any inspector charged with the enforcement of the provisions of Titles IV and V of this Code.
- (2) Refusal of the licensee, or of any agent or employee of the licensee, to provide reasonable cooperation and assistance to any inspector charged with the enforcement of Titles IV and V of this Code when requested to do so by such inspector in connection with the inspection of the premises mentioned in SRC 31.993.
- (3) Permitting a rental dwelling to be a public nuisance property as defined in SRC 98.140.

(b) "Reasonable cooperation and assistance," as used in this section, may include, but is not limited to:


(1) Providing means of ingress and egress to the premises and any part thereof not then in the lawful possession of a tenant at a reasonable time;

(2) Arranging introductions and appointments with tenants or other persons in charge of the premises or any part thereof;

(3) Informing tenants or other persons in charge of the premises that the inspector acts with the consent of the licensee. (Ord No. 123-72; Ord No. 61-78; Ord No. 24-93; Ord No. 96-95; Ord No. 2-96)

SOURCE: City of Salem

## THE CITY OF SALEM

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# CITY OF MANCHESTER

## HOUSING STUDY COMMISSION

March 21, 2016

**Subject: Final Report and Recommendations of Housing Study Commission**

Dear Mayor Gatsas and Board of Alderman,

As commissioned by the Board of Mayor and Alderman, the Housing Study Commission (the "Commission") has completed its mission and is pleased to provide its Final Report and Recommendations.

**Background:**

The Commission was established by the Board of Mayor and Alderman on October 21, 2014 in response to a report prepared the Granite State Organizing Project ("GSOP"). GSOP's report reviewed the housing conditions for some City residents and concluded that changes should be made to ordinances and enforcement of those ordinances to improve what GSOP characterizes as substandard housing.

The Committee convened bi-weekly meetings over the course of the past year to analyze and review the issue of rental housing units in the City of Manchester and reasonable measures that can be taken to improve housing condition where landlords have neglected their responsibility of maintaining minimum housing standards. The meetings were attended by City officials from the Police Department, Fire Department; Solicitor's Office, Department of Planning and Community Development, Information Systems, and the Health Department, as well as by the Commission members. In addition, members of the public attended meetings to observe and offer comments. Member of the public who attended at least one Commission meetings include: Carol Backus, Sarah Jane Knoy, Kristen Cahill and Fred Robinson from the Granite State Organizing Project, Maggie Fogarty from the American Friends Service Committee, Kevin Kintner from New Horizons for NH, Debbie Valente, NH Property Owners Association, Mohamad Mobeen and Donald Jsirdindaris, property owners, Tom Irwin, Conservation Law Foundation, Tyler Gloor from the Way Home and members of the public: Dick Duckhoff, Rick Castillo and those who wished to remain anonymous. In addition, several tenants have emailed individual commission members about housing concerns.

After a year of careful deliberations, the Committee has made the following findings.

**Findings:**

- 1.) RSA Chapter 48-A establishes minimum housing standards and provides authority for cities and towns to establish their own housing code. While many municipalities have adopted their own housing codes, Manchester is one of the few municipalities in the State that require every rental unit undergo mandatory inspections every three years and obtain a Certificate of Compliance. The Department of Planning and Community Development is responsible for the enforcement of the Housing Code, performing inspections and issuing Certificates of Compliance
- 2.) The City's Certificate of Compliance program is largely effective in ensuring that rental units within the City comply with **minimum** housing standards.
- 3.) The most significant challenge in bringing a very small number of non-responsive landlords into compliance is the lack of meaningful penalties. Where landlords repeatedly fail to appear for scheduled inspections, the City does not have sufficient statutory or regulatory resources to compel compliance. The most egregious landlords repeatedly fail to appear at court hearings and the Circuit Court will not issue bench warrants for a violation that is not an arrestable offense to begin with.
- 4.) The risk of lead exposure still remains in almost any residential unit constructed prior to 1978. The issue of lead poisoning is complex. Testing and remediation are expensive and beyond the scope of the City's expertise and resources. Federal laws exist to require renovation work in pre-1978 buildings to use best management practices to minimize the potential of lead poisoning from disturbing lead based paint. Currently, the City does not have the authority to enforce the federal law, but could be doing more to raise awareness.
- 5.) The Department of Planning and Community Development is charged with administering the Certificate of Compliance program for over 30,000 residential units and does not have appropriate software to manage the large volume of files. More functional and suitable software would improve accuracy, scheduling and efficiency.
- 6.) Tenants do not always know how to reach their landlords when they have an issue. Improved landlord accountability would necessarily improve tenants' housing conditions when an issue arises. RSA 540:1-b requires that landlords register with each municipality and provide an in-state agent who can accept service. However, the fine for a landlord's failure to register is only \$100.00 and as of April 2015, only 1,889 of a potential 3,000 plus owners had registered. In addition, registration with the City alone does not automatically result in the tenants having the necessary landlord contact information.

Based on our year of studying the issue of housing and the challenges in enforcement, we offer the following recommendations that we believe would help achieve fuller compliance, if implemented.

### **Recommendations:**

#### **1. Increase Fines for Housing Code Violations**

Currently, the penalty for violation the City's Housing Code are defined by §38.06, of the Manchester Code of Ordinances, which provides for fines of \$50, \$100 and \$200 for the first, second and third offenses, respectively. The Committee recommends creating a new code section dedicated to housing and code violations and increasing the respective fines to \$100, \$200 and \$400, which will require the Board of Mayor and Alderman to change the City Ordinance.

#### **2. Require Landlord Contact Information Posted On-Site**

The Commission recommends the following section be incorporated into the City's Housing Code, which will provide tenants with clear contact information when they have a problem with their rental unit.

#### ***REQUIRED FACILITIES***

##### ***150.091***

***A. Posting of owner's emergency information and Planning and Community Development Department information. All dwellings which are let or in which one or more units are let to another for occupancy shall have posted in a regularly accessible common area written notification containing the following:***

***1) The name, address and telephone number of the owner or his/her agent. If the owner or his/her agent does not reside in New Hampshire and within 25 miles of the subject structure, the owner must post, in addition to his/her agent's name, the name, address and telephone number of a person to contact in the case of an emergency who resides in New Hampshire and within 25 miles of the structure.***

***2) A statement noting that disputes regarding building code and/or housing standards should first be addressed by the property owner(s) and tenant(s) before contacting the Department of Planning and Community Development.***

***3) The website address of the code enforcement division at the Department of Planning and Community Development.***

***B. Transfer of Ownership. Upon transfer of ownership, the new owner shall comply with the posting or filing of emergency and Department of Building and Planning information within 24 hours of transfer.***

*C. Unattended emergency numbers. Whenever emergency numbers are left unattended for a period of 24 hours or longer, another name and emergency number shall be provided in accordance with this section.*

*D. Violations. The Department of Planning and Community Development may issue warnings or citations for violation of this section as provided for in Section 150.42 of the Manchester Code of Ordinances.*

### 3. Purchase More Functional and Suitable Software and Hardware

The Commission asked a number of quantitative questions regarding enforcement and administration of the Housing Code. Oftentimes, the response was that the computer software in place does not provide that type of reporting capability. The ability to produce reports that provide both detail and summary metrics is essential to be able to measure the effectiveness of Manchester's Housing Code administration and enforcement. The Commission recommends that the Department of Planning and Community Development invest in more functional and suitable software and hardware to improve its ability to produce reports that will provide the ability to measure certain benchmarks, including total units, number of non-compliant units, inspection back log and number of complaints, among other things. Hardware, such as computer tablets, would allow for computer generated inspection reports that could be immediately transmitted electronically, thereby improving efficiency and reducing paperwork.

New software could potentially provide an opportunity to integrate data from other City departments which would provide an additional perspective to allow for quicker identification of problems.

Having new software and the ability to track, manage and filter more data would allow the flexibility to implement incentives for landlords with above average compliance records. Such incentives may include a 5 year inspection cycle, as opposed to the three year cycle that currently applies to all units.

New software would also allow the City to make the public record of Housing Code administration readily available on the City's website.

### 4. Get Non-Responsive Landlords To Appear at Court

The Commission found that the inability to get non-responsive landlords to court was a substantial factor why some landlords choose to fail to show up for inspections or correct deficiencies. The Commission spent more time on this issue than any other and also entertained more guest speakers. The issue is complex and the Commission understands that legislative changes can be slow and laden with compromise. After studying the issue and hearing from the Police Department, City Solicitor, and Planning and Community Development, the Commission believes improvements can be made within the current statutory framework. The Commission recommends the following in order to maximize the effectiveness of the Circuit Court.

- That Housing Code Violations be issued using the Court approved citation form conforming to RSA 31:39-d. The City Solicitor needs to work with the Court and make clear that a defendant's failure to respond to the citation must result in an administrative finding of guilty, upon which the Court may issue an arrest warrant. Currently, the defendant's failure to appear has no consequence.
- Use community policing, very selectively due to priorities and resources, to visit the worst non-responsive landlords.

5. Make It Illegal to Rent a Unit Without A Certificate of Compliance

The Commission recommends that NH RSA 540-A be amended to prohibit landlords from collecting rent from tenants without a Certificate of Compliance, if the municipality where the rented premises are located has such a program. Language of the proposed statute should be clear that a violation can only be found in instances of documentable neglect by a landlord (i.e. multiple missed or failed inspections) as opposed to simple expiration of the Certificate.

6. Use Injunctive Relief to Achieve Compliance

The City has used the extraordinary measure of injunctive relief for zoning ordinance violations. The Commission recommends that the City file a petition for injunctive relief against the most egregious landlord as a test case. The petition should be clear that there shall be no displacement of tenants, that ownership of the property shall not change during the pendency of the case, and that tenants shall not be required to pay rent until the landlord achieves compliance. It is the penalty of not receiving rent that the Commission believes to be the most significant factor that will motivate landlords. It is hoped that the test case will be successful and other similar landlords will take notice.

7. Raise Awareness of Lead Based Paint Risks and Federal Laws

The Commission recommends that the Department of Planning and Community Development undertake the effort of improving awareness of, and compliance with, the Federal Renovation, Repair and Painting Rule which applies when six square feet or more of interior painted surface, or twenty square feet or more of exterior painted surface, are disturbed in a residence, school or child care facility constructed before 1978. This rule requires that the work be done by Lead-Safe certified contractors who are trained by EPA-approved training providers and follow lead-safe work practices. The Commission also recommends that the City consider amending provisions of the Housing Code to better address the problem of lead paint in the context of the Code's sections pertaining to Minimum Standards, Maintenance of Premises, and Certificates of Compliance, and to consider such regulatory amendments and other strategies to prevent lead exposures and associated cases of childhood lead poisoning.

8. Raise Awareness of Tenants Rights

While GSOP has advocated for an Office of Tenant Services, there does not seem to be a natural fit within any of the existing City departments. The Department of Planning and Community Development has offered to dedicate a portion of its lobby space, as well as its website, to providing information geared at educating tenants about how to protect their families from lead based paint risks, who to call for housing complaints and who to call for legal advice. The Commission recommends that the Department of Planning and Community Development establish and maintain areas, in both its lobby and website, where tenants can obtain information to protect their families and their rights, as well as improve their housing conditions.

9. Improve Communication Regarding Housing Issues

The Committee on Public Safety, Health and Traffic is encouraged to reach out to the Department of Planning and Community Development to better understand Housing Code Administration and request any additional information or reporting that the Committee could use for its purposes. Informing the Board of Mayor and Aldermen of significant issues may offer additional avenues to resolve housing issues.

All Commissioners wish to thank the Board of Mayor and Alderman for the opportunity to serve and make a difference for the residents of the City of Manchester. It is our sincere hope that these recommendations be favorably received and implemented so that the quality of life for some residents may be improved.

Sincerely,

Michael Tessier, Chairman

Commission Members: Tim Wood, Chris Schleyer, Kristen Garcia (replaced by Mary Sliney), Jane Skantze and Alderman Pat Long.

Ex Officio: Peter Chesia and David Albin





# CITY OF MANCHESTER

## PLANNING AND COMMUNITY DEVELOPMENT

Planning and Land Use Management  
Building Regulations  
Community Improvement Program  
Zoning Board of Adjustment

Leon L. LaFreniere, AICP  
Director

Pamela H. Goucher, AICP  
Deputy Director - Planning & Zoning

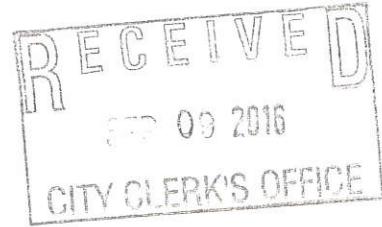
Michael J. Landry, PE, Esq.  
Deputy Director - Building Regulations

**Date:** September 9, 2016

**To:** Committee on Public Safety, Health and Traffic

**From:** Leon L. LaFreniere, AICP  
Director, Planning & Community Development

**Subject:** Final Report of the Housing Study Commission



The Planning & Community Development Department was pleased to have the opportunity to work with the Housing Study Commission over the past year to investigate issues related to the condition of the residential rental stock of the City of Manchester. We feel that several of the recommendations offered by the Housing Study Commission could provide valuable support for our efforts to improve the quality of the City's housing stock if implemented. To that end, I offer the following information regarding each of the recommendations as submitted:

**Recommendation # 1. Increase Fines for Housing Code Violations**

Citations involving fines (Tickets), are used as a tool of last resort in enforcement cases. It has been suggested that in some instances irresponsible landlords have determined that paying fines is a less expensive alternative to making building repairs. The Housing Study Commission recommends that the schedule of fines be increased to make this practice less attractive and to further incentivize compliance. We will work with the Solicitor's Office to draft ordinance changes to increase these fines should the BMA feel it appropriate.

**Recommendation #2. Require Landlord Contact Information Posted On-Site**

We agree with this recommendation and will propose an ordinance change for BMA consideration.

**Recommendation #3. Purchase More Functional and Suitable Software and Hardware**

We agree whole heartedly with this recommendation, and wish to express our appreciation to the Mayor and Board of Alderman who included funding in the FY17 budget for this purpose. A City staff steering committee has been meeting regularly and communicating with vendors. The due diligence portion of this process is nearing completion and contract negotiation is underway. It is anticipated that the entire implementation process will take 12 to 18 months based on input from the vendor and the Information Systems Department.

**Recommendation #4. Get Non-Responsive Landlords To Appear at Court**

We are working with the City Solicitor's Office and the Court to utilize the citation process detailed in RSA 31:39-d. The first citations utilizing this process have been served on two landlords, who have repeatedly failed to appear at scheduled court hearings. Both landlords appeared as scheduled for their initial hearing. One landlord has since sold two multifamily buildings comprising 16 total units. The other landlord appeared in Court on August 11, 2016 and is scheduled to appear again on October 11, 2016 to report to the Court on progress of remediating the outstanding 72 housing code violations on his six unit building. PCD will continue to use citations per RSA 31:39-d to bring offending landlords into court and into compliance when required.

**Recommendation #5. Make It Illegal to Rent a Unit Without a Certificate of Compliance**

Implementation of this recommendation would require a change in state law. We support this recommendation, and would request the support of the BMA to submit a Bill to the Legislature for the next session.

**Recommendation #6. Use Injunctive Relief to Achieve Compliance**

This is a process that has been utilized in the past in the most egregious of cases. As previously noted, we have recently issued initial citations utilizing the RSA 31:39-d process and intend to follow with an injunctive relief process in those cases where compliance is not achieved through District Court action.

**Recommendation #7. Raise Awareness of Lead Based Paint Risks and Federal Laws**

We agree with this recommendation as well and have undertaken several steps to implement, the most significant of which may be administration of a Lead Hazard Reduction Demonstration Grant from the U.S. Department of Housing and Urban Development in the amount of \$2,905,091. The total project budget for this program is \$3,642,369 with matching funds included. This project includes funding for direct lead hazard mitigation as well as for training and public education. In addition to these efforts, we have posted information on our departmental website and in our lobby; circulated pamphlets to tenants and property owners; and plan to add language to our permit applications calling attention to EPA requirements on this subject.

**Recommendation #8. Raise Awareness of Tenants Rights**

We have taken steps to implement this recommendation as well. We have placed information in our department lobby and on our website. We have also taken steps to circulate information as appropriate in the field to tenants.

**Recommendation #9. Improve Communication Regarding Housing Issues**

We agree that communication is a significant benefit to addressing the issues related to housing conditions in the City. The Planning & Community Development Department is happy to provide any additional information that the Committee may find helpful.